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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fifth session

SUMMARY RECORD OF THE 1055th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 10 August 1994, at 10 a.m.

Chairman: Mr. GARVALOV

CONTENTS

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (continued)

Tenth, eleventh and twelfth periodic reports of Spain (continued)

Organizational and other matters (continued)

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Tenth, eleventh and twelfth periodic reports of Spain (CERD/C/226/Add.11; HRI/CORE/1/Add.2/Rev.1) (continued)

1. At the invitation of the Chairman, Mr. Gonzalez de Linares and Ms. Vevia Romero (Spain) took places at the Committee table.

2. The CHAIRMAN invited the Spanish delegation to reply to the questions asked by members at the previous meeting.

3. Ms. VEVIA ROMERO (Spain) said that her delegation had distributed further information in the form of a report drafted by the Ministry of Justice, before its merger with the Ministry of the Interior three months previously. Other ministries had failed to provide data and she would convey to them the views expressed by members of the Committee about the information Spain had submitted.

4. The Chairman had asked about the official languages of Spain. Under article 3 of the Constitution, the official State language was Spanish, but a number of Autonomous Communities, namely, Catalonia, Valencia, the Basque Country and Galicia, had Spanish and their own language as joint official languages. People dealing with the public administration or the courts in an Autonomous Community could use the language of that Community, with the agreement of any other parties involved, though any documents which would have effect outside the territory of the Community had to be translated into Spanish. As indicated in paragraph 7 of the report, parties to a court case, their representatives, and their advisers, witnesses and experts might use the language of the Autonomous Community in both written and oral statements. Some Autonomous Communities, such as Catalonia, were employing positive discrimination to encourage the use of the minority language.

5. The Chairman had also asked about the languages used by the armed forces. Defence affairs were the responsibility of the central government, and were accordingly conducted in Spanish. The Autonomous Communities had no armed forces of their own, but they had their own police forces, and prospective recruits must be able to speak the language of the Community concerned.

6. Spain was not immune from xenophobic or racist activities, of which she had given some examples at the previous meeting. In the past, Spaniards working abroad had been subjected to abuse and exploitation, so the Spanish authorities were very sensitive to any manifestations of racial discrimination, particularly since Spain now had many immigrants from other countries.

7. In reply to the request by the Country Rapporteur, Mr. Ferrero Costa, for demographic statistics, she said that the total population of the country was 38.9 million. According to data collected by a member of the European Parliament who was a Spaniard of Gypsy origin, the Gypsy population was

approximately 600,000. On 31 December 1992, there had been just under 400,000 aliens resident in Spain. Of that number, 196,984 were Europeans, 47 per cent of whom came from States of the European Union. Of the latter group, 30.9 per cent came from the United Kingdom and 17.6 per cent from Germany. There were approximately 89,000 people from the Americas, representing 22.7 per cent of foreign residents; they included 73,000 immigrants from Latin America, principally Argentina, Peru and Venezuela. People from Africa numbered approximately 21,000, or 18.2 per cent of foreign residents; they came mainly from Morocco, Algeria and Senegal. There were approximately 7,000 residents from central and eastern European countries, especially Poland. As for the countries of Asia, there were approximately 8,400 Filipinos, 7,800 Chinese and 5,600 Indians. She would provide the Secretariat with a copy of the statistical yearbook published by the Interministerial Commission for Foreign Nationals (Comisión Interministerial de Extranjería), which provided a complete breakdown of foreign residents in the country as a whole and in the Autonomous Communities.

8. No official data were published concerning minority groups, such as Jews. Such data were considered to infringe the right to privacy, and their publication was accordingly prohibited under the Constitution. The available data on the Gypsy population were based on private surveys by non-governmental organizations. The statistical yearbook issued by the Interministerial Commission for Foreign Nationals showed that there had been 11,708 applications for political asylum in 1992: 7,350 had been heard, and 296 (4 per cent) had been successful, an increase of 44 per cent over 1991. The countries of origin of the asylum seekers were shown in the statistical yearbook.

9. According to the Human Development Report, 1993, published by the United Nations Development Programme, Spain had a literacy rate of 97.5 per cent, although the authorities believed the figure to be closer to 99 per cent. She could not provide a geographical breakdown of the literacy figures at present, but the illiteracy rate among adult Gypsies was known to be very high. Gypsy children had a high truancy rate, and often failed to attend school regularly after the age of about 12; that was particularly true of the girls, who were expected to look after younger children.

10. The unemployment rate was currently the highest in the country's history, standing at approximately 20-22 per cent of the working population. In 1993, 422,000 people had lost their jobs, the construction industry being particularly badly affected.

11. Members had asked about the relationship between the Autonomous Communities and the central administration. Those issues were governed by articles 143 et seq. of the Constitution, especially article 149. The Autonomous Communities of Catalonia and the Basque Country enjoyed the greatest degree of autonomy, being responsible for all matters not expressly reserved to the central government by article 149 of the Constitution. All the Communities had considerable responsibility for their own affairs; there had even been complaints in the media that, for instance, a child's education might suffer as a result of moving from one part of the country to another, because the school curriculum and calendar varied so much.

12. Members had asked about "legal conflicts" between Catalonia and the Basque Country, and the central administration. She had no information on that point, but she would ensure that the matter was covered in Spain's next periodic report. Under article 153 of the Constitution, the authorities of the Autonomous Communities were subject to the control of the Constitutional Court in respect of their legal enactments; the Government (by decree of the Council of State and in accordance with article 150 of the Constitution); and the administrative courts in respect of administrative disputes.

13. Under article 155 of the Constitution, if an Autonomous Community took action inconsistent with the Constitution or other legislation, or contrary to the interests of the country as a whole, the Government would attempt to resolve the matter with the President of the Autonomous Community concerned; should that attempt fail, the Government, if authorized by a majority vote in the Senate, could compel the Autonomous Community to fulfil its obligations.

14. Articles 159-165 of the Constitution also referred to the Constitutional Court, which exercised its power over the whole country, including the Autonomous Communities. Article 171 (c) of the Constitution stated that the Constitutional Court was empowered to rule on the division of powers between the Autonomous Communities and the central administration. The Constitutional Court also resolved disputes between the Autonomous Communities themselves.

15. Mr. Ferrero Costa had sought more evidence that Spain had adequately implemented article 2 of the Convention, particularly in respect of the Gypsy population. He had asked, in particular, for information on the social marginalization of the Gypsies and their access to social benefits and housing. She would give the Secretariat a document published by the Ministry of Social Affairs, giving extensive social, economic and other data about the Gypsy population.

16. The Gypsy Development Plan (Programa de Desarrollo gitano) of the Ministry of Social Affairs had had a budget of 413 million pesetas in 1993. She would provide the Secretariat with details of that Plan, the main aims of which were to ensure equality between Gypsies and other Spaniards, to guarantee social integration and respect for their culture, to help them to live peacefully with other Spaniards, to improve their living conditions and to encourage them to participate in areas of public life which affected them.

17. The Ministry of Social Affairs cooperated with other ministries, the Autonomous Communities and private organizations and charities working on behalf of Gypsies. She had a list of some of the organizations concerned with Gypsies, other ethnic minorities, refugees and asylum seekers, which she would pass on to the Secretariat.

18. The Ministry of Social Affairs was aware of the need to provide training for public officials in dealing sensitively with Gypsies and other minority groups. A survey of training requirements had highlighted the following target areas: the cultural background of the Gypsy community; the administrative framework required for dealing with the community; methods of working with the community; and integrated programmes for work with the community in a variety of areas.

19. The Ministry of Social Affairs coordinated all activities concerned with Gypsy development by means of an interministerial working group, on which other ministries concerned with Gypsy affairs were also represented. The group exchanged ideas and information relating to the Gypsy community and developed programmes to promote Gypsy interests. The Ministry of Social Affairs also had an intraministerial committee to coordinate the relevant activities of its various departments.

20. In reply to the question on special education for Gypsy children, she said that the Ministry of Education worked closely with the Ministry of Social Affairs and had decided that Gypsy children should be fully integrated into the school system and not educated separately. A programme providing for special classroom assistance for teachers had been set up and was financed by the Ministry of Education.

21. With regard to the question on housing for the Gypsy community, 50 per cent of Gypsies had been rehoused. In Madrid, a consortium was working closely with the municipal authorities and had launched an ambitious rehousing project for Gypsies. Although the programme had run into temporary problems, its record was good. Similar efforts were being made in Barcelona, especially in the La Mina area, 60 per cent of whose residents were Gypsies.

22. With regard to the Rights and Freedoms of Aliens in Spain (Organization) Act (No. 7/1985), the Country Rapporteur, Mr. Ferrero Costa had referred to the provision on the compulsory residence of foreign nationals in specific areas. The article in question was based on legislation enacted under Royal Decree No. 119/86. As compulsory residence could be imposed only on foreign nationals whose situation in Spain was irregular, the provision did not contravene article 3 of the Convention.

23. Mr. Ferrero Costa had asked for information on the suspension for up to six months of the activities of groups and associations made up of foreign nationals. Such a suspension had previously been possible on the recommendation of the Ministry of the Interior or Ministry for Foreign Affairs where there were grounds for believing that such associations or groups constituted a threat in such areas as national security, public order or health, or impinged upon the rights and freedoms of Spaniards. The relevant legal provision had, however, been declared unconstitutional by ruling No. 115/1987 of the Constitutional Court.

24. In reply to the question on article 9 of Act No. 7/1985, she said that foreign nationals legally residing in Spain were fully entitled to education in a Spanish school, or could organize their own teaching establishments in accordance with regulations and laws in force if the principle of reciprocity was respected. In other words, foreign nationals could open and run educational establishments if similar rights were afforded to Spanish citizens in the country concerned. With regard to the question on article 11, paragraph 3, of the same Act, foreign nationals were admitted to Spain only through authorized entry points and with the permission of the police and security forces, which were fully entitled to refuse entry to individuals who did not meet the requirements set out in paragraph 1 of the Act, namely, the possession of some form of identity document and of adequate financial means.

Persons who had been expelled from Spain or barred from entering the country, having committed a crime in Spanish territory, would not be allowed to cross Spanish borders.

25. With regard to article 34 of the Act, to which Mr. Ferrero Costa had referred, it had been declared unconstitutional by the Constitutional Court in its ruling No. 115/1987.

26. In reply to a question on measures relating to foreign nationals taken after 1988, since Spain had joined the European Union in 1986, it had entered into many new commitments, which it had made every effort to incorporate into domestic law. New legislation included Royal Decree No. 7/66 of 26 June 1992 on the admission to, and residence in Spain of nationals of member States of the European Union; Royal Decree No. 1521 of 11 October 1991 on the establishment and operation of offices dealing with foreign nationals; the Order of 22 February 1989 on the financial means required by foreign nationals to gain entry into Spain; the Order of 26 July 1989 establishing general rules for the granting of work permits; the Resolution of 10 October 1988 on the procedures governing permits to establish a business in Spain; the Order of 13 January 1989 on refugee hostels, and Royal Decree No. 511 of 14 May 1992 instituting the Interministerial Commission for Foreign Nationals.

27. The Interministerial Commission compiled statistical reports on foreign nationals from the databases of various ministries and departments. According to article 3 of the Royal Decree, however, its main tasks were to establish guidelines on policy relating to foreign nationals, submit general policies to the Government for its approval, ensure that ministries and departments were complying with its directives, keep abreast of developments relating to foreign nationals within the European Union and other international bodies, assess their impact and consider how they could be applied in Spain. It was also responsible for coordinating the work of departments dealing with foreign nationals, producing reports at the request of competent bodies, establishing guidelines for the activities of offices dealing with foreign nationals and ensuring that the economic, social and political rights granted to foreigners under Spanish law were respected. The Commission also centralized administrative and sociological information and statistics on foreigners living in Spain, monitored migratory trends both nationally and at the level of the European Union, promoted dialogue and information exchanges with workers' and employers' organizations and non-governmental organizations, cooperated with organizations representing foreign nationals in Spain, and ensured that attention was paid to the particular needs of the Latin American population in Spain.

28. Legislation introduced since 1988 also included Royal Decree No. 2118 of 3 December 1993, which provided that nationals of member States of the European Union residing in Spain were entitled to vote in European elections. Spain had also signed agreements with several countries, including Denmark, Ireland, the Netherlands, Norway and Sweden, with regard to the reciprocal voting rights of nationals in local elections.

29. An Order of 24 May 1994 had set up the Spanish committee of the European campaign for youth against racism, xenophobia, anti-semitism and intolerance planned for 1995.

30. With regard to the awareness campaign for public officials dealing with immigrants, it had covered 876,000 public officials, including the security forces, and had involved publicity in Catalan, Castilian and Galician. It had cost more than 5 million pesetas and had been financed by the Ministry of Social Affairs, with additional funds from the general budget and the trade unions. It was of particular importance because an immigrant's first contact with Spain was through public officials.

31. The immigration programme of the Department of Social Affairs covered matters such as entry into Spain and integration. It was also designed to ensure that procedures governing applications for employment were efficient and to channel and control flows of immigrants. In 1993, Spain had opted for a quota system for migrant workers.

32. With regard to the question on the recent Act on Asylum and Refugee Status (No. 9/1994), which amended Act No. 5/84, the new Act provided for measures to ensure that applications for asylum were dealt with as quickly as possible. Asylum was covered by article 13 of the Constitution, which extended protection by Spain to foreigners who were recognized as refugees under the Convention relating to the Status of Refugees. A number of organizations and the political coalition Izquierda Unida had objected to provisions of the Act stipulating that, during consideration of an application for asylum or an appeal, the applicant had to remain at the border point. In their opinion, that constituted a restriction of the freedom of movement. It was true that an applicant might have to spend several days at the airport pending a decision on his case, but there was no question of any restriction of movement and accommodation at the airport was satisfactory.

33. Mention had been made of applicants being held for more than 72 hours, the maximum period of detention without charge. However, asylum seekers held at airports were not considered to be under detention but merely held pending the processing of their applications - normally a matter of days. Nevertheless, since some groups in the country had regarded such action as unconstitutional, the matter was at present being reviewed by the People's Advocate to determine whether or not the relevant legal provisions should be submitted to the Constitutional Court for a ruling. The Committee would be kept informed of developments.

34. With regard to Spain's obligations under the Schengen Agreements, the article of Act No. 7/85 dealing with the liability of airlines and other carriers who provided transport for passengers without proper documents had been amended to specify the penalties they would incur.

35. Reference to the People's Advocate had been made by the Country Rapporteur. The role and function of that office, which was similar to that of Ombudsman in other countries, had been discussed at length in previous reports submitted by Spain to the Committee. It chiefly consisted in the reception and handling of complaints from individual members of the public. Such complaints were generally concerned with delays in the proceedings of the Ministry of Justice and of other ministries and other problems relating to the court proceedings. The People's Advocate was also authorized to supervise the activities of the Administration, to lodge applications for amparo and to

bring actions before the Constitutional Court. The role of People's Advocate was set out in detail in the Constitution. Three of the Autonomous Communities, Galicia, Catalonia and Andalusia, had their own People's Advocates to deal with complaints from within those areas, and it was hoped in time to extend the practice to the rest of the 17 Autonomous Communities. The People's Advocate reported annually to Parliament on all aspects of his work.

36. The delegation did not have access to statistics relating to complaints made by foreigners to the People's Advocate. However, to provide an example, in the case of a complaint made in 1989 by foreign nationals living on the Costa del Sol about the slowness of court procedures in litigation over real estate fraud, action by the People's Advocate had reactivated the cases and ensured they were brought to a conclusion.

37. The need for provisions to give protection, in compliance with article 4 of the Convention, against racist and xenophobic acts would be met in the extensive reform of the Criminal Code at present under way in Spain. The amended text of the Code had received governmental and ministerial approval and would be submitted to Parliament after the summer recess. Since a large number of amendments were involved, it was not possible to predict how long it would take for the revised Code to become law, but every effort would be made to complete the process as soon as possible. The revised Code would explicitly make it an offence to provoke or excuse racial and other discrimination against individuals or groups by any means, including the printing and publication of material for the purpose.

38. A number of articles in the present Criminal Code provided remedies against racial discrimination: article 25 (v), covering offences against the individual in circumstances aggravated by racial and other discrimination; article 285, providing for three months' to six years' imprisonment and fines for physical abuse of workers or neglect of their welfare; article 286, providing the same penalties for similar acts with respect to illegal workers and trafficking in illegal labour; article 490, providing for one to three years' imprisonment and other penalties for promotion of racial and other discrimination through broadcasting and other media; article 491, specifying various terms of imprisonment and of exclusion from public office for persons refusal of services to persons or groups on grounds of racial and other discrimination; article 494, establishing terms of imprisonment for members of illegal associations that promoted racial hatred or xenophobia (the maximum term of imprisonment for such acts under the draft revised Code was 14 years); and, in relation to genocide, article 137 bis, providing for a term of 15 to 20 years' imprisonment for the murder of individuals as members of a particular group and lesser terms for inflicting on such individuals working or other conditions that might endanger their lives or harm their health. However, although most racist and xenophobic offences were dealt with in the current Code, it was frequently by implication; the draft revised Code would list such offences explicitly.

39. The Country Rapporteur had indicated that reference to article 5 in the Constitution alone was insufficient. However, Act No. 62/78 relating to protection of the fundamental rights of the individual and Act No. 5/85,

which stipulated that the rights and freedoms enunciated in the Constitution, were binding upon the judiciary and the courts. In addition, when all possible legal remedies had been exhausted, both Spanish and foreign nationals could make application for amparo under article 53 (2) of the Constitution, as was also set out in article 41 of the Constitutional Court Organization Act.

40. In relation to the mass media, an agreement on the principle of self-regulation of the media with regard to certain subjects had been reached between the Ministry of Social Affairs, the councils of the Autonomous Communities and representatives of radio, press and television, which represented an important advance towards preventing the use of derogatory language with reference to any minority group and providing for objective reporting of events involving racial discrimination. The Spanish media in general displayed such objectivity and frequently acted as a sort of unofficial people's advocate in defence of the rights and freedoms of foreign nationals, particularly immigrants, in Spain.

41. A number of cases of racist acts against particular individuals had been referred to at the previous meeting of the Committee. In the case of Mancha Real, a village in the south of Spain in which a bar brawl between Gypsies and others had resulted in a number of injuries and one death. As a result, the villagers, whose anger and thirst for vengeance had been fanned by the mayor, had gone in a crowd to the street where the Gypsies were living and had set fire to the houses of those assumed, without proof, to be guilty. Civic guards on duty at the spot had been unable to prevent the occurrence. The mayor had apparently also asked members of the Gypsy community to leave the village and settle elsewhere. Proceedings had been instituted against the mayor and six village councillors in the provincial court and, following appeals which had gone as far as the Supreme Court, the mayor had been sentenced to a prison term of almost five years and the councillors to terms of between one and two years. The case had been covered widely in the press, where the relevant acts had come in for much criticism.

42. The case of Lucrezia Perez, a Dominican citizen, concerned a civic guard, Luis Merino Perez, who freely aired his racist views; he had twice been disciplined on that account, and was under investigation by the Civic Guards. Together with three youths, all wearing hoods, he had gone at night to the Madrid suburb where a number of Dominican workers were living in very impoverished conditions. The attack had resulted in one injury and the death of Lucrezia Perez. Luis Merino Perez and his accomplices were brought to trial and received prison sentences of 30 years for the former and between 9 and 15 years for the latter. The case had raised a great deal of indignation among the general public and in the media.

43. Violetta Friedman, a Jewish woman who had suffered under the Nazis, had filed an application for amparo against Leon Degrelle, for a defamatory article in the press against the Jews, which claimed inter alia that the holocaust had not taken place. The Constitutional Court had ultimately upheld her right to make the complaint; a copy of the relevant ruling had been made available to the Committee.

44. In the case of Fraga, a small village near Huesca in Catalonia, the delegation had been unable to verify that two events had taken place, since there appeared to be some confusion in the information leading to the report. It had been the custom for some years for seasonal workers, including some north Africans, to be employed in the area to pick fruit. Problems were not infrequent. Although a meeting had been held before the 1992 fruit-picking season to consider ways of preventing them, there had been dissatisfaction with its outcome and some farmers in that year had been brought to court for failing to provide adequate remuneration or social security for such workers. The mayor of the village had allegedly encouraged the farmers to ignore the resultant penalties. Furthermore, a right wing group had attacked a group of 20 north Africans resulting in a number of injuries. The court case had resulted in a two-year prison sentence, despite the fact that the prosecution had called for a four-year term. However, an agreement on compensation had been reached between the lawyers representing the two parties. The mayor of the village had subsequently resigned, but it was not known whether that had been the result of the events described.

45. The delegation had no information on the report of an attack on a number of Senegalese in a Zaragossa discotheque and would make further inquiries with a view to being able to provide such information subsequently.

46. She gave details of the case of Otto Remer, a German national who had been found guilty by a German court, in October 1992, of offences punishable under articles 130 and 131 of the German Penal Code, namely public disturbance and incitement to racial hatred, for writing and publishing anti-Semitic and xenophobic literature denying the Holocaust. He had previously been charged in Spain but, as a result of a court decision in June 1994, had been released subject to the requirement that he report regularly to the authorities. On 15 June 1994 he had been rearrested and charged under article 137 bis and article 4 of the Spanish Criminal Code. Following the submission by the Federal Republic of Germany of an extradition request on 4 July 1994, the Spanish Government had decided on 8 July 1994 to proceed with the extradition procedure, in view of the fact that the offences with which he was charged in Germany were likewise punishable under the aforesaid articles of the Spanish Criminal Code. The judicial process leading to extradition was being pursued in accordance with articles 12 and 16 of the European Convention on Extradition.

47. She confirmed the case, referred to by Mr. Wolfrum, of the refusal by a nursery school in Catalonia to admit the child of a Catalan mother and a father of African origin. The school was said to have initially enrolled the child on the strength of the mother's name - a claim it subsequently denied - but to have later maintained that there were no places available, allegedly because of the father's name. The case had drawn wide media publicity and aroused public indignation, and the parents had complained to the education authorities, which had taken the matter up with the school. Other similar cases had been reported, such as those concerning children of Andalusian parents working in Catalonia who were required to be taught in Catalan. A number of complaints of alleged discrimination had been received

by the Catalonian education authorities; since they were very recent cases, the outcome was not known, but any decisions would be conveyed in future periodic reports.

48. Regarding the case of Moroccans sent back to their country of origin, she said that two years previously there had been a wave of Moroccans seeking to immigrate illegally by crossing the Straits of Gibraltar in small, often overcrowded boats. Some had had to be rescued at sea and had been brought to Spain by the coastguard authorities or the Red Cross. Others had never arrived. Those who had reached the coast were put on ferries home after a day or two. In view of the sharp increase in the number of such illegal immigrants and the appalling conditions in which they travelled, an agreement had recently been signed with Morocco granting subsidies to facilitate the integration of such Moroccans in their country of origin, in the belief that economic incentives would discourage illegal immigration of that kind.

49. In conclusion, she assured the Committee that data which she was unable to provide would be included in future reports; documentation from which she had quoted would be left with the Committee for information.

50. Mr. RECHETOV said that the Committee was faced with the very difficult task of making a comprehensive assessment on the basis of an extremely meagre written report, supplemented at such a late stage by abundant oral information. The Committee would need to reflect on how it could organize its work in such a way as to avoid such a situation in the future.

51. Not all the questions asked had received answers. The situation in Spain, as a great European country with worldwide influence in many fields and a complex history, and one that had been subjected to a totalitarian regime, was of great interest to the Russian people. The key issue for the country's stability was the transfer of authority from the central to the provincial governments and the relationship between them, which should have been dealt with exhaustively. The Committee had been informed about constitutional provisions regarding power-sharing, but needed to know how it operated in practice. It also needed to know whether there were any major conflicts between the central and provincial authorities. It had been told that it was the Constitutional Court that took the ultimate decision in matters of conflicting legislation, but that no information was available about any Constitutional Court decisions in that regard, whereas comprehensive information had been provided on decisions by the Court in other areas.

52. The question of power-sharing also had a direct bearing on issues of separatism, bordering on extreme nationalism and terrorism, which posed a real threat to Spain's stability. Although Spain appeared to be addressing those issues and undergoing a process leading to greater stability, separatism and terrorism were regrettably not mentioned in the report. What policy was pursued and what action taken in regard to nationalist movements, for instance? Were the provisions of the new Criminal Code stricter or more lax in regard to separatism and terrorism?

53. He appreciated the information provided on the use of various languages by official bodies, but sought clarification on why all documents apparently required translation into Spanish. Did the statement that the provincial

54. He was grateful for the information given on the status of Gypsies and foreign nationals, the right of asylum and the provisions of the future Criminal Code. With reference to article 4 of the Convention, however, the provisions of future legislation should be supplemented by specific information about whether or not the racist organizations covered by that article existed in Spain or not and, if so, how they were treated.

55. The admission that manifestations of racial discrimination existed in Spain, as indeed they did in all countries, was impressive, and he appreciated the information provided on specific cases of alleged discriminatory acts, but requested written information on such cases and on cases of nationalist or extremist acts.

56. The CHAIRMAN said that the Committee's discussion of the report of Spain was proceeding on schedule and that, given the Committee's legitimate interest in the situation in Spain, it might wish to continue the discussion at the afternoon meeting.

57. It was so agreed.

58. Mr. SHERIFIS said that the substantial additional information provided by the representative of Spain and her lengthy response to questions might well generate further consideration of Spain's report. However, a discussion by the Committee of the question of procedure raised by Mr. Rechetov did not require the presence of the Spanish delegation.

59. Turning to Spain's report, which had been fully analysed by the Country Rapporteur, he said that it would be of mutual benefit to the Committee and the State party if Spain were to follow the Committee's revised guidelines for the presentation of reports, as it had done in the past.

60. The Committee would be grateful if Spain were to join the list of countries which had made the declaration under article 14, paragraph 1, of the Convention. With reference to article 8, paragraph 6, of the Convention concerning the funding of the Committee, he asked whether the Government of Spain had initiated the procedure for acceptance of the amendment approved by the States parties in January 1992 and endorsed by the General Assembly in December 1992. If not, it was hoped that it would initiate the procedure and notify the Secretary-General of its acceptance in the near future.

61. Mr. Gonzalez de Linares and Ms. Vevia Romero (Spain) withdrew.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

62. The CHAIRMAN informed the Committee that the Government of El Salvador had submitted a formal request for the Committee to postpone consideration of the report of El Salvador until its March 1995 session, since the new Government of that country had set up a working group to draft the report, which had yet to be finalized. He had also received official notification from the Government of Bolivia requesting the postponement of the Committee's consideration of that country's report until the next session, the report having not yet been prepared. The Committee could either grant those requests or proceed with its consideration of the situation in those countries in the

which had yet to be finalized. He had also received official notification from the Government of Bolivia requesting the postponement of the Committee's consideration of that country's report until the next session, the report having not yet been prepared. The Committee could either grant those requests or proceed with its consideration of the situation in those countries in the absence of delegations from States parties and their periodic reports. There being no objection, he took it that the Committee wished to grant the requests.

63. It was so agreed.

The meeting rose at 1.05 p.m.